

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

RONALD C. TUSSEY, et al.,

Plaintiffs,

v.

ABB, INC., et al.,

Defendants.

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Case No. 06-cv-04305 (NKL)

**DEFENDANTS' OPPOSITION TO PLAINTIFFS' MOTION FOR LEAVE TO FILE
RESPONSE TO DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY**

Defendants jointly oppose plaintiffs' motion for leave to submit argument in response to the additional authorities Defendants noted in Dkt. Nos. 428 and 429. (Dkt. No. 434.)

Defendants heeded the Court's admonition not to submit additional argument respecting summary judgment and other pending motions, and therefore simply directed the Court to the pages of their briefs to which the authorities pertain – and included no argument. Plaintiffs' proposed submission is pure argument and, in fact, simply reargues points from the summary judgment briefing that clearly transcend the supplemental authorities.

Under the circumstances, if the Court grants Plaintiffs leave to file their response, Defendants respectfully request that they be permitted an equal-length reply.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, William J. Delany, hereby certify that, on this 22nd day of October, 2009, true and correct copies of the Defendants' Opposition To Plaintiffs' Motion For Leave To File Response To Defendants' Notice Of Supplemental Authority was served upon the following by electronic filing with the Clerk of the U.S. District Court for the Western District of Missouri, and are available for viewing and downloading from the ECF system:

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